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Transcript of the Testimony of
Robert W. Vitale

Taken On: February 20, 2008
Case Number: 2:06-CV-2141-DGC

Case: Soilworks, LLC, vs. Midwest Industrial Supply, Inc.,

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

- - -

SOILWORKS, LLC, an Arizona)
corporation,) CASE NO.
Plaintiff/Counterdefendant/) 2:06-CV-2141-DGC
Counterclaimant,)
vs.)
MIDWEST INDUSTRIAL SUPPLY,)
INC., an Ohio corporation)
authorized to do business in)
Arizona,)
Defendant/Counterclaimant/)
Counterdefendant.)

- - -

30(b)(6) Deposition of ROBERT W. VITALE, a
Witness herein, called by the
Plaintiff/Counterclaimant/Counterdefendant for
Examination pursuant to the Federal Rules of
Civil Procedure, taken before me, the
undersigned, Christina A. Arbogast, a Registered
Professional Reporter and Notary Public in and
for the State of Ohio, pursuant to Notice and
agreement of counsel at the law offices of

1 Vorys, Sater, Seymour and Pease, LLP, First
2 National Tower, 106 South Main Street, Suite
3 1100, Akron, Ohio, on Wednesday, the 20th day of
4 February, 2008, commencing at 10:03 o'clock a.m.

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1 **APPEARANCES:**

2

3 On Behalf of the
4 Plaintiff/Counterdefendant/Counterclaimant:

5 KUTAK ROCK LLP

6 BY: John P. Passarelli, Attorney at Law
7 E. Scott Dosek, Attorney at Law
8 Suite 300
9 8601 North Scottsdale Road
10 Scottsdale, Arizona 85253-2742
11 480/429-5000

12

13 On Behalf of the
14 Defendant/Counterclaimant/Counterdefendant:

15 BROUSE McDOWELL

16 BY: John M. Skeriotis, Attorney at Law
17 388 South Main Street, Suite 500
18 Akron, Ohio 44311-4407
19 330/535-9999

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1 of identification.)

2 **MR. SKERIOTIS:** For the record, I
3 believe we should be marking these new exhibits
4 as 30(b)(6), and we can go consecutively with
5 the numbers, but this is not -- my understanding
6 is this is a 30(b)(6) deposition of Midwest, not
7 Mr. Vitale's personal deposition, because that
8 was concluded with the reservation yesterday.

9 If so, whenever we do mark the rest
10 of these exhibits, and I ask that these be
11 changed instead of saying "Vitale" it says
12 "30(b)(6) 8," "30(b)(6) 9." Otherwise, it looks
13 like it's still part of his personal deposition
14 which, again, was concluded yesterday.

15 **MR. PASSARELLI:** Are you designating
16 anybody besides Mr. Vitale as a 30(b)(6) --

17 **MR. SKERIOTIS:** I am not.

18 **MR. PASSARELLI:** So -- well, I have
19 no problem with the record reflecting that
20 Exhibit 8 and 9 and any subsequent exhibits
21 marked today would be designated as Vitale
22 30(b)(6) or however you want it. It doesn't
23 matter to me, John.

24 **MR. SKERIOTIS:** Okay. Thank you.

25 **BY MR. PASSARELLI:**

1 Q. Have you seen Exhibit 8 before?

2 A. Yes.

3 Q. And you've seen Exhibit 9 as well?

4 A. I honestly don't recall seeing 9.

5 Q. Exhibit 8 in the second column, I believe,
6 and I don't expect you to confirm this, but I
7 believe --

8 A. Yeah.

9 Q. -- the first column mirrors the claims of
10 your patent and the second column is narrative
11 that the Plaintiffs have proposed in response to
12 each of those claims. Is that generally --

13 A. Yes.

14 Q. -- your understanding?

15 A. Yes.

16 Q. Okay. With regard to Exhibit 8, the
17 statement appears in the second column,
18 "Durasoil does not provide stabilization through
19 the use of a binder (like an adhesive)." Do you
20 see that?

21 A. Yes.

22 Q. Do you agree with that statement?

23 A. I take it for its face value.

24 Q. Do you have any reason to believe that
25 statement is not accurate?

1 **A.** Only that in other documents or other
2 materials it's stated that there's a reworkable
3 binder. So I -- it's, you know a conflict. So
4 I mean I take this at its face value.

5 **Q.** So what you're saying is that statement
6 that I just read is, in your mind, inconsistent
7 with materials that Soilworks publishes?

8 **MR. SKERIOTIS:** Objection.

9 **THE WITNESS:** Not that Soilworks
10 publishes, but that the military publishes based
11 on input from Soilworks and on Soilworks'
12 bidding specifications that require having a
13 binder.

14 **BY MR. PASSARELLI:**

15 **Q.** Okay. The next sentence, "Durasoil is a
16 compaction agent and helps achieve higher
17 soil/aggregate densities and therefore a more
18 stabilized soil," do you have any reason to
19 believe that statement is not accurate?

20 **MR. SKERIOTIS:** Objection.

21 **THE WITNESS:** No.

22 **BY MR. PASSARELLI:**

23 **Q.** "Durasoil provides dust control." Is that
24 an accurate statement?

25 **MR. SKERIOTIS:** Objection.

1 **THE WITNESS:** Yeah, that would
2 seem correct.

3 **BY MR. PASSARELLI:**

4 **Q.** "Durasoil does not contain any carboxylic
5 acid." Is that a correct statement?

6 **MR. SKERIOTIS:** Objection.

7 **THE WITNESS:** I take it at face
8 value.

9 **BY MR. PASSARELLI:**

10 **Q.** Do you believe that to be inconsistent with
11 the materials you described earlier in your
12 deposition?

13 **A.** It's possible, yes.

14 **Q.** Possible in that you're not sure that you
15 believe it, possible?

16 Can you recall any records that would
17 suggest that statement as inconsistent with the
18 record?

19 **A.** Carboxylic acid would be a binder.

20 **Q.** Okay.

21 **A.** So if they don't have a binder, that would
22 be consistent in this, you know, paragraph.

23 **Q.** "Durasoil contains esters." Do you believe
24 that to be a true statement?

25 **A.** I don't know that --

1 Q. Okay.

2 A. -- one way or the other.

3 Q. "Durasoil does not contain any
4 thermoplastic polyolefins." Do you see that
5 statement?

6 A. Yes.

7 Q. Do you believe that to be accurate?

8 A. If -- if there is no binder, that would be
9 accurate. If there is a binder, that would be
10 possibly inaccurate if that were the binder.

11 Q. Do you believe a polyolefin is a binder?

12 MR. SKERIOTIS: Objection.

13 THE WITNESS: I believe it is.

14 BY MR. PASSARELLI:

15 Q. "Durasoil does not contain a synthetic
16 isoalkane because it is not manufactured
17 molecule by molecule (like in group 4 PAO base
18 oil.)" Do you see that statement?

19 A. Yes.

20 Q. Do you believe that to be true?

21 MR. SKERIOTIS: Objection.

22 THE WITNESS: If what they are
23 saying is true, yes. I mean I don't have a
24 problem with that.

25 BY MR. PASSARELLI:

1 Q. Okay. You don't believe it's inaccurate
2 other than what you've described earlier in your
3 testimony?

4 A. Correct.

5 Q. Okay. Number 2, "Durasoil does not contain
6 any binders or any carboxylic acid."

7 I believe you've testified that you take
8 that at face value, but that it appears
9 inconsistent with some of the materials you
10 described earlier?

11 MR. SKERIOTIS: Objection.

12 THE WITNESS: Yeah. I mean --

13 BY MR. PASSARELLI:

14 Q. Is that a fair statement?

15 A. Yes.

16 Q. Okay. Would your testimony be the same
17 with regard to "Durasoil does not contain any
18 carboxylic acid or fatty acid"?

19 A. Yes. And I assume we are meaning Durasoil
20 as it exists today or whenever this was made as
21 opposed to 2004 or -- because I don't -- I don't
22 know.

23 Q. Fine. In number -- in the number 6 claim,
24 "Durasoil does not contain any emulsifiers," do
25 you have any reason to believe that statement

1 isn't accurate?

2 **A.** I have no reason to believe that is
3 incorrect.

4 **Q.** If you could read, and you don't need to
5 read it out loud, the second column as it
6 applies to number 7?

7 **A.** I've read it.

8 **Q.** Do you believe any of those statements in
9 that column to be inaccurate?

10 **A.** No.

11 **Q.** Number 8, do you believe that to be
12 inaccurate?

13 **MR. SKERIOTIS:** Objection.

14 **THE WITNESS:** I -- I -- I don't
15 believe that that is -- that's vague and not
16 completely accurate, I would say.

17 **BY MR. PASSARELLI:**

18 **Q.** What is inaccurate about it?

19 **MR. SKERIOTIS:** Objection. I'm
20 going to make -- just for the clarification of
21 the record, I'm just going to maintain a
22 continuing objection with respect to whether or
23 not he believes any of these -- this information
24 prepared by Soilworks is accurate or inaccurate
25 so that you can just -- without all these

1 objections.

2 **THE WITNESS:** It would be -- and,
3 again, yesterday the question was asked of me
4 whether I had seen any ingredients, and some
5 time ago I was shown three ingredients with CAS
6 numbers that must have been provided by
7 Soilworks to you, to John, and I -- I saw that,
8 but -- and the product, as I would understand
9 it, is not hydroisomerized, so that's my only
10 thing, but --

11 **BY MR. PASSARELLI:**

12 **Q.** Okay.

13 **A.** And they don't claim that it is.

14 **Q.** Other than that, do you have any reason to
15 believe the statement in reference to claim 8 is
16 inaccurate?

17 **A.** No. No, I have no reason to dispute it.

18 **Q.** Do you have any reason to dispute the
19 column two as referenced in claim 9?

20 **A.** I have no reason to.

21 **Q.** Do you have any reason to dispute the
22 second column with claim 10?

23 **A.** No.

24 **Q.** Would your answer be the same with regard
25 to 11?

1 **A.** Correct.

2 **Q.** Would your answer be the same with regard
3 to 12?

4 **A.** There's a possibility I would dispute that.

5 **Q.** What would you dispute in 12?

6 **A.** The viscosity.

7 **Q.** On what do you base that?

8 **A.** Well, on -- I mean going back to 2004
9 viscosity testing we did, I think, is -- was,
10 you know, quite different.

11 **Q.** So is your testimony relevant to current
12 Durasoil offerings or previous offerings?

13 **MR. SKERIOTIS:** Objection.

14 **THE WITNESS:** Well, I -- I am
15 assuming this refers to current.

16 **BY MR. PASSARELLI:**

17 **Q.** And what you're saying is our tests of
18 prior Durasoil product would indicate a
19 discrepancy?

20 **MR. SKERIOTIS:** Objection.

21 **THE WITNESS:** Yeah. Yes.

22 **BY MR. PASSARELLI:**

23 **Q.** Okay. But you haven't tested it recently?

24 **MR. SKERIOTIS:** Objection.

25 **THE WITNESS:** No.

1 **MR. SKERIOTIS:** Don't answer that
2 question.

3 **THE WITNESS:** Yeah.

4 **MR. SKERIOTIS:** Again, work
5 product.

6 **BY MR. PASSARELLI:**

7 **Q.** Other than what your attorney's saying?

8 **MR. SKERIOTIS:** Let me just say
9 this to you. We have made available for your
10 copying and your inspection the test results
11 that he testified to earlier, by the way.

12 **THE WITNESS:** Yeah.

13 **MR. SKERIOTIS:** So I'm not sure if
14 they've been marked for copying, but we've made
15 those available. So anything else we're
16 maintaining a privilege and he's -- whether or
17 not we did testing or not is attorney work
18 product and he's not to answer questions on
19 that.

20 **BY MR. PASSARELLI:**

21 **Q.** If you could read the second column
22 referring to claim 13?

23 **A.** "Isoalkanes needs to be better defined
24 (unknown). Durasoil is based on a paraffin.
25 The term branched iso-paraffins need to be

1 better defined."

2 Q. Do you dispute that Durasoil is based on
3 paraffin?

4 A. I have -- I don't -- I don't. I don't have
5 reason to.

6 Q. And we talked about 14. You have no reason
7 to dispute that Durasoil does not contain
8 emulsifiers, correct?

9 A. Correct.

10 Q. Do you have any reason to dispute the
11 statement, "Durasoil does not have a flash point
12 of 177 degrees Centigrade"?

13 A. I have no reason to.

14 Q. If you could refer to Exhibit 9 and go down
15 the second column --

16 A. Yep.

17 Q. -- if you could read that second column as
18 it relates to claim 1 and see if there's any of
19 the statements that you take issue with?

20 MR. SKERIOTIS: Objection.

21 THE WITNESS: I have no reason to
22 object.

23 BY MR. PASSARELLI:

24 Q. How about 3, "Durasoil is applied neat to
25 the surface soil"?

1 **A.** I have no reason to object.

2 **Q.** How about number 4?

3 **A.** Only in terms of what I had said before.

4 If -- if -- it's my understanding that
5 polyolefin is a binder. If it does not have
6 binders, then this would be correct.

7 **Q.** Number 5?

8 **A.** With the same --

9 **Q.** The same?

10 **A.** -- qualification I have no reason to
11 object.

12 **Q.** How about number 6?

13 **A.** The same qualification. No reason to
14 object.

15 **Q.** Seven?

16 **A.** The same qualification. No reason to
17 object.

18 **Q.** How about number 9?

19 **A.** Number 9? No reason to object.

20 **Q.** Ten?

21 **A.** I have this -- again, here it says,
22 "Durasoil is not comprised of two organic
23 materials." We -- I think we were given that
24 Durasoil consists of three ingredients.

25 **Q.** Other than that -- so you're disagreeing

1 with the statement, "Durasoil is not comprised
2 of two organic materials"?

3 **A.** Organic materials. And then the same with
4 the polyolefins and carboxylic acids. With the
5 same qualification, if they're not in there,
6 that they're not a binder, I wouldn't object.
7 But that would be inconsistent with other
8 materials or possible materials -- possible
9 materials.

10 **Q.** Did you have any other -- strike that. Do
11 you dispute any other statement in reference to
12 claim 10 other than what you've described?

13 **A.** No.

14 **Q.** Eleven, do you dispute?

15 **A.** No.

16 **Q.** How about number 12?

17 **A.** No reason -- well, it says, "Durasoil is
18 not a blend." Durasoil claims to be
19 hydro-treated -- a mixture of hydro-treated
20 material and proprietary ingredients, so if it's
21 not a blend and if it has three components, I
22 don't -- if it's not a blend, I don't -- I mean
23 I don't know what it is.

24 I would have to go to the definition of
25 what blend is. And in other documents that I

1 had referred to, I believe that -- they must
2 have provided information that it is a blend to
3 the military.

4 **Q.** Fourteen, do you dispute any of the
5 statements contained in that column?

6 **A.** As long -- in terms of the polyolefins, as
7 long as they're not in there I have no dispute.

8 **Q.** And can you clarify what you mean by that,
9 Mr. Vitale?

10 **A.** The polyolefin, my interpretation is, is a
11 binder. So that if it does not have a
12 polyolefin, or a binder, then that would be
13 accurate; but that would be inconsistent with
14 the other two -- other -- other materials or
15 items I referenced where it would seem that they
16 claim that they do have a binder.

17 **Q.** Okay. Do you dispute what is stated in the
18 second column of claim 15?

19 **A.** With regard to not having carboxylic acid
20 with the reservation that I made whether or
21 not -- with regard to the carboxylic acid and
22 the polyolefins, with the reservation that I
23 made about otherwise it would indicate that they
24 do have it, I have no reason to object to that.

25 And -- and they say Durasoil does not

1 contain any binders, but, I mean if they -- if
2 it doesn't, although it would be inconsistent
3 with what they might be indicating otherwise, I
4 have no reason to object to that.

5 **Q.** Do you dispute the statement contained in
6 regard to claim 16?

7 **A.** Other than if a carboxylic acid is a
8 binder, if a binder is in there, then I would
9 dispute that. If there isn't, I would not.

10 **Q.** Okay. On to the next matter. "Midwest's
11 claim that Soilworks, LLC, has embarked on a
12 scheme to trade upon and injure the substantial
13 goodwill and reputation that Midwest has
14 developed in the soil stabilization and dust
15 control industry."

16 You are here to testify about that
17 category; is that correct?

18 **A.** Yes.

19 **Q.** How -- describe for me the scheme that is
20 referenced.

21 **MR. SKERIOTIS:** Objection. You
22 want him to testify, so I'm clear, about your
23 statement in Exhibit A about a scheme?

24 **MR. PASSARELLI:** Yeah.

25 **MR. SKERIOTIS:** Okay.

1 (Thereupon, the Reporter read the
2 record as requested.)

3 **BY MR. PASSARELLI:**

4 **Q.** That you're not aware of?

5 **A.** Correct.

6 **Q.** Okay. The Air Force handbook, can you
7 describe that for me?

8 **A.** It's a publication of -- issued by the Army
9 Corps of Engineers that provides sort of a
10 mini-bible of dust control products available
11 for use by the Air Force.

12 **Q.** And does Midwest contribute to that
13 publication?

14 **MR. SKERIOTIS:** Objection.

15 **THE WITNESS:** All vendors
16 contribute to that publication that are in it,
17 yes.

18 **BY MR. PASSARELLI:**

19 **Q.** How -- how do they contribute?

20 **A.** By providing information, by participating
21 in tests. By, I guess, verbal communication,
22 written communication.

23 **Q.** How often does that get published?

24 **A.** This was a particular project and I believe
25 that it is now part of the permanent record and

1 it's not going to be, you know, changed, but in
2 the marketplace for the rest of our lives.

3 Q. Really?

4 A. Yeah.

5 Q. When was it published?

6 A. Oh, it was in the last several years, I
7 believe. I don't remember the date.

8 Q. And it's your understanding that Soilworks
9 contributed to that publication as well?

10 A. Yes.

11 Q. And what do you understand Soilworks'
12 contributions to that publication to be?

13 MR. SKERIOTIS: Objection.

14 THE WITNESS: That publication, I
15 can only assume from Soilworks' contribution,
16 indicates that their product is synthetic, that
17 it's an isoalkane, that it has a binder, that
18 it's a blend and may be some other things. I
19 mean I would have to review that.

20 BY MR. PASSARELLI:

21 Q. When did you first review that publication?

22 A. Oh, I really don't remember.

23 Q. And the Army handbook, is that the same
24 except it's published by the Army instead of the
25 Air Force?

1 **A.** Yes.

2 **Q.** Did they get published about the same time?

3 **A.** I would assume; I don't know.

4 **Q.** And both Midwest and Soilworks contributed
5 to the Army handbook as well?

6 **A.** Yes.

7 **Q.** Are there any material differences in those
8 contributions between the Army and the Air Force
9 handbooks?

10 **A.** No. The handbooks are -- are all issued by
11 the Army Corps of Engineers who did all of the
12 work in compilation of the information and
13 gathering of the --

14 **Q.** So are the two publications comparable in
15 the respect of the contribution by Midwest and
16 Soilworks?

17 **A.** Yes.

18 **Q.** And what's the "ADOT bidding"?

19 **A.** The ADOT issue is the bidding of Durasoil
20 to meet the specification as written by ADOT in
21 which the specification calls for them having a
22 reworkable binder -- and, again, I'm just foggy.
23 It might be including that the products be
24 either synthetic or Synthetic Organic Dust
25 Control, that it be an isoalkane. Those kind of

1 things.

2 Q. Who -- who uses the ADOT bidding in your
3 business?

4 MR. SKERIOTIS: Objection.

5 THE WITNESS: Anybody that would
6 want to submit a response to the ADOT request
7 for a bid would have to meet the specifications
8 and submit their bid.

9 BY MR. PASSARELLI:

10 Q. Who operates that bidding process?

11 A. The Department of Transportation.

12 Q. Okay. So that's all --

13 A. Yeah.

14 Q. -- federal government regulated?

15 A. Yeah. Alaska Department of -- state, but
16 Alaska Department of Transportation.

17 Q. Do all of the states have comparable
18 arrangements to that of Alaska as it relates to
19 your business?

20 A. Yes. Very similar.

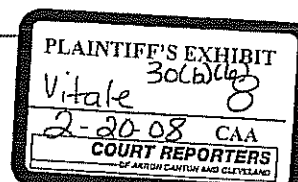
21 Q. Similar?

22 A. In that there are specifications written.

23 Q. And did you -- did Midwest contribute to
24 the A bidding information database?

25 MR. SKERIOTIS: Objection.

Patent 7,074,266	Soilworks' Durasoil®
1. A compound for chemical soil stabilization and dust control, the compound consisting essentially of: a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin; and, a synthetic isoalkane.	Durasoil does not provide stabilization through the use of a binder (like an adhesive). Durasoil is a compaction agent and helps achieve higher soil/aggregate densities and therefore a more stabilized soil. Durasoil provides dust control. Durasoil does not contain any carboxylic acid. Durasoil contains esters. Durasoil does not contain any thermoplastic polyolefins (this term needs better defining). Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil).
2. The compound of claim 1, wherein the binder is a carboxylic acid.	Durasoil does not contain any binders or any carboxylic acid
3. The compound of claim 2, wherein the carboxylic acid is a fatty acid.	Durasoil does not contain any carboxylic acid or fatty acid.
4. The compound of claim 2, wherein the compound is devoid of electrolytes.	Unknown.
5. The compound of claim 2 wherein the compound comprises from 1 to 99% by weight of the carboxylic acid.	Durasoil does not contain any carboxylic acid
6. The compound of claim 2, wherein the compound further comprises an emulsifier.	Durasoil does not contain any emulsifiers.
7. The compound of claim 2, wherein the synthetic isoalkane is selected from a group comprising: synthetic or semisynthetic hydrocarbons.	Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil). The terms synthetic or semisynthetic hydrocarbons needs better defining. If synthetic is defined as molecules that are manufactured/built molecule by molecule (like a group 4 PAO base oil) rather than being broken down (like group 1,2 or 3 base oils) from larger molecules, then Durasoil is not synthetic. If semisynthetic is defined as molecules created from larger molecules, then Durasoil is semisynthetic.
8. The compound of claim 7 wherein the synthetic hydrocarbons are selected from a group produced from hydrotreating, hydrocracking, or hydroisomerization.	Durasoil is produced from hydrotreating, hydrocracking or hydroisomerization (which defines group 1,2 and 3 base oils).
9. The compound of claim 7 wherein the synthetic isoalkane is selected from chemical group comprising: isoalkanes or branched iso-paraffins.	Isoalkanes needs to be better defined (unknown). Durasoil is based on paraffin. The term branched iso-paraffins need to be better defined.
10. The compound of claim 1, wherein the binder is a thermoplastic polyolefin.	Durasoil does not contain any thermoplastic polyolefins (this term needs better defining).
11. The compound of claim 10, wherein the compound comprises from 1 to 99% by weight of the thermoplastic polyolefin.	Durasoil does not contain any thermoplastic polyolefins (this term needs better defining).
12. The compound of claim 1 wherein the isoalkane has a viscosity of at least about 19 centistokes @20.degree. C. and a flame point greater than 130.degree. C.	Isoalkanes needs to be better defined (unknown). Durasoil's viscosity is at least about 19 centistokes @20 degree C and has a flame point greater than 130 degree C.
13. The compound of claim 12 wherein the synthetic isoalkane is selected from chemical group comprising: isoalkanes or branched iso-paraffins.	Isoalkanes needs to be better defined (unknown). Durasoil is based on paraffin. The term branched iso-paraffins need to be better defined.
14. The compound of claim 1, wherein the compound further comprises an emulsifier.	Durasoil does not contain any emulsifiers.
15. The compound of claim 14, wherein the synthetic isoalkane has a flash point of 177.degree. C.	Durasoil does not have a flash point of 177 degree C (+/- 20 C)



Patent 7,081,270	Soilworks' Durasoil®
1. A method for providing at least one of stabilization and dust control to a particulate surface soil, the method comprising: applying to and allowing to penetrate the surface soil a composition consisting essentially of: (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin; and, (b) a synthetic isoalkane.	Durasoil does not provide stabilization through the use of a binder (like an adhesive). Durasoil is a compaction agent and helps achieve higher soil/aggregate densities and therefore a more stabilized soil. Durasoil provides dust control. Durasoil does not have any carboxylic acid. Durasoil contains esters. Durasoil does not contain any thermoplastic polyolefins (this term needs better defining). Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil).
2. The method of claim 1, where the composition is devoid of electrolytes.	Unknown.
3. The method of claim 1, where said composition is applied neat to the surface soil.	Durasoil is applied neat to the surface soil.
4. The method of claim 1, where the binder is a thermoplastic polyolefin.	Durasoil does not contain thermoplastic polyolefins (this term needs better defining).
5. The method of claim 4, where the composition comprises from 2 to 90% by weight of the thermoplastic polyolefin.	Durasoil does not contain thermoplastic polyolefins (this term needs better defining).
6. The method of claim 1, where the binder is a carboxylic acid.	Durasoil does not contain carboxylic acids.
7. The method of claim 6, where the carboxylic acid is a fatty acid.	Durasoil does not contain carboxylic acids or fatty acids.
8. The method of claim 6, where the composition comprises from 5 to 70% by weight of the carboxylic acid.	Durasoil does not contain carboxylic acids.
9. A method for providing at least one of stabilization and dust control to a particulate surface soil, the method comprising the step of: applying to and allowing to penetrate the surface soil a composition consisting essentially of: (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin; (b) a synthetic isoalkane; and, (c) an emulsifier.	Durasoil does not provide stabilization through the use of a binder (like an adhesive). Durasoil is a compaction agent and helps achieve higher soil/aggregate densities and therefore a more stabilized soil. Durasoil provides dust control. Durasoil does not contain any carboxylic acids. Durasoil contains esters. Durasoil does not contain thermoplastic polyolefins (this term needs better defining). Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil). Durasoil does not contain any emulsifiers.
10. A process for at least one of reducing erosion and controlling dust in surface soil, the process comprising: (a) applying to said surface soil a composition comprising two organic materials and allowing the composition to penetrate and weight discrete portions of the surface soil, where the composition consists essentially of (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin and (b) a plasticizer consisting essentially of a synthetic isoalkane; and allowing at least one material in the composition to form a binder in which portions of the surface soil are associated, so as to provide a treated surface soil.	Durasoil does not reduce erosion. Durasoil provides dust control in surface soil. Durasoil is applied to the surface soil. Durasoil is not comprised of two organic materials. Durasoil's composition will penetrate and weight discrete portions of the surface soil. Durasoil does not have any carboxylic acid. Durasoil contains esters. Durasoil does not contain any thermoplastic polyolefins (this term needs better defining). Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil).
11. The process of claim 10, where said surface soil comprises at least one of dirt, slag, sand, gravel, mineral, and aggregate.	Durasoil can be used with any dirt, slag, sand, gravel, mineral and aggregate.
12. The process of claim 10, where said weighting is achieved by at least one of adsorption and absorption of said blend to said discrete portions of said surface soil.	Durasoil weighting is achieved by adsorption and/or absorption of the surface soil. Durasoil is not a blend.
13. The process of claim 10, where said surface soil exhibits at least a 100% increase in stiffness and Young's modulus after being treated.	Unknown
14. The process of claim 10, where the composition comprises 2 to 90% by weight of the polyolefin.	Durasoil does not contain any thermoplastic polyolefins (this term needs better defining). Durasoil is not a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil).
15. A process for at least one of reducing erosion and controlling dust in surface soil, the process comprising: (a) applying to said surface soil a composition and allowing the composition to penetrate and weight discrete portions of the surface soil, where the composition consists essentially of (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin (b) a plasticizer consisting essentially of a synthetic isoalkane and (c) a long chain carboxylic acid or ester; and, (b) allowing at least one material in the composition to form a binder in which portions of the surface soil are associated, so as to provide a treated surface soil.	Durasoil does not reduce erosion. Durasoil provides dust control in surface soil. Durasoil is applied to the surface soil. Durasoil's composition will penetrate and weight discrete portions of the surface soil. Durasoil does not have any carboxylic acid. Durasoil contains esters. Durasoil does not contain any thermoplastic polyolefins (this term needs better defining). Durasoil does not contain a synthetic isoalkane because it is not manufactured molecule by molecule (like a group 4 PAO base oil). Durasoil's composition does not contain any binders.
16. The process of claim 15, where the composition comprises from 5 to 70% by weight of the carboxylic acid or ester.	Durasoil does not contain any carboxylic acid. Durasoil contains esters.

